

AB:MRG

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

IN THE MATTER OF THE SEARCH OF:
THE PREMISES KNOWN AND DESCRIBED
AS 229 DUFFIELD STREET, ROOM
NUMBER 308, BROOKLYN, NEW YORK,
11201, AND ANY CLOSED CONTAINERS
AND ITEMS CONTAINED THEREIN

**APPLICATION FOR A SEARCH
WARRANT FOR A PREMISES AND
ELECTRONIC DEVICES
FOUND THEREIN**

No. 20- MJ 1067

**AFFIDAVIT IN SUPPORT OF AN
APPLICATION UNDER RULE 41 FOR A
WARRANT TO SEARCH AND SEIZE**

I, Jennifer Cardillo, being first duly sworn, hereby depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I make this affidavit in support of an application under Rule 41 of the Federal Rules of Criminal Procedure for a warrant to search the premises known as 229 Duffield Street, Room Number 308, Brooklyn, New York, 11201, and any closed containers and items contained therein, hereinafter the “PREMISES,” further described in Attachment A, for the things described in Attachment B.

2. I am a Special Agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives (“ATF”). I am currently assigned to the ATF Joint Robbery Task Force where I have served for over five years. During my career with the ATF, I have participated in investigations of, among other things, firearms-related crimes, Hobbs Act robberies, and, among other things, have conducted and participated in surveillance, the execution of search warrants

and have participated in investigations that included the interception of wire and electronic communications and the use of location information for multiple cell phones.

3. This Affidavit is based upon my participation in the investigation, my examination of reports and records, and my conversations with other law enforcement agents and other individuals. Because this Affidavit is being submitted for the limited purpose of obtaining the requested warrant, it does not include all of the facts that I have learned during the course of this investigation. Where the contents of documents and the actions, statements, and conversations of others are reported herein, they are reported in substance and in part, except where otherwise indicated. Where dates are reported, they are reported on or about the specific date. Where times are reported, they are reported in approximations. In making this application, I am relying only on the facts stated herein.

4. For the reasons set forth below, I respectfully submit that probable cause exists to believe that inside the PREMISES exists evidence, contraband, fruits, and instrumentalities of federal criminal offenses including violations of Title 18, United States Code, Section 1951(a) (Hobbs Act robbery) and Title 18, United States Code, Section 924(c) (brandishing a firearm in furtherance of a crime of violence, to wit robbery) (the “Specified Federal Offenses”).

THE PREMISES

5. 229 Duffield Street, Room Number 308, Brooklyn, New York, 11201 (the “PREMISES”), is a specific room within the Hotel Indigo located in Downtown Brooklyn. The

PREMISES is identifiable as the name “Hotel Indigo” is located on the outside of the building and the number “308” is printed next to the door.

PROBABLE CAUSE

6. The ATF is currently investigating MELCHIOR BAPTISTE for Hobbs Act robberies, and using firearms in furtherance thereof, in the Eastern District of New York and elsewhere. BAPTISTE resides at the PREMISES.

7. The ATF is investigating a pattern of at least ten commercial robberies that have been committed in New York City, most of them in Brooklyn, between approximately September 30, 2020 and November 5, 2020. In each of these robberies, which are captured on surveillance videos, one individual, whom I have identified as the defendant MELCHIOR BAPTISTE, sometimes acts with at least one accomplice and sometimes acts alone, enters a commercial establishment, brandishes a firearm or simulates a firearm under clothing, and demands money or valuables from the establishment or from people within the establishment.

8. On September 30, 2020, at approximately 7:00 p.m., BAPTISTE entered Quality Barbers, a barbershop located at 164 E 84th St., New York, York, simulated that he had a gun through his hoodie, and demanded cash and valuables from individuals in the shop. Baptiste took approximately \$245 in United States Currency and a Rolex Watch from two separate victims.

9. On October 26, 2020, a gas station on Bedford Avenue in Brooklyn was robbed at gunpoint. That robbery was captured on surveillance video, which I have reviewed. An individual whom I have identified as defendant BAPTISTE is visible in the video committing the robbery and fleeing from the scene. We have also recovered other surveillance videos from that evening which I have reviewed, that show defendant BAPTISTE in the neighborhood around the scene of the robbery, both before and after the robbery.

10. One surveillance video from October 26, 2020, shows defendant BAPTISTE a few blocks from the scene of the robbery shortly before it occurred, speaking to the driver of a livery cab ("Cab-1"), and then walking away from Cab-1. Cab-1 subsequently departed without defendant BAPTISTE. I learned that Cab-1 was called by the defendant BAPTISTE from cellphone number 646-592-0698.



11. Another surveillance video from October 26, 2020, shows defendant BAPTISTE fleeing from the scene of the robbery and getting on a particular city bus. We have traced the path of that bus and recovered other surveillance video that shows defendant BAPTISTE getting off of the bus several stops later and entering a particular bodega, wearing the same clothing and the same distinctive headscarf that he wore during the robbery.

12. Defendant BAPTISTE is visible on surveillance video from that bodega with the headscarf, which had previously obscured his face, in his hand, and taking out a thick wad of money which appears to be the proceeds of the robbery committed a few minutes earlier, and using a cellphone.



7. While inside the bodega, BAPTISTE was observed on video making a phone call. Shortly thereafter, a livery cab (Cab-2) arrived and defendant BAPTISTE got in Cab-2. Agents confirmed that cell phone 646-592-0698 was used to call Cab-2.

8. The above picture captured on video surveillance was run through the NYPD facial recognition software and the defendant BAPTISTE was identified as a match from a prior arrest photo.

| IMAGE SUBMITTED TO FIS | FIS POSSIBLE MATCH LEAD |
|-------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------|
|  |  |
| | MELCHOIR BAPTISTE; NYSID 01942710H |

9. On November 5, 2020, defendant BAPTISTE committed an armed robbery at Boost Mobile phone store at 3286 Fulton Street, Brooklyn, New York. The defendant BAPTISTE pointed a firearm at a store employee, and the employee and a customer and a child in a stroller

were sent to the back of the store and ordered to stay in a back room. Based on a review of that surveillance video, I believe that defendant BAPTISTE was the perpetrator of this robbery.

9. On November 6, 2020, I went to the Hotel Indigo, where I learned that the defendant BAPTISTE resides, and I observed him wearing clothing that I have observed him wearing in several robberies, including the November 5, 2020 robbery. Moreover, when I viewed the defendant BAPTISTE in person I recognized him as the perpetrator of all ten robberies.

13. Since BAPTISTE was arrested, law enforcement has been surveilling the PREMISES; no one has removed contents from the PREMISES since that time.

14. Based on the information set forth in this Affidavit, I submit that there is probable cause to believe that BAPTISTE keeps evidence, fruits, and instrumentalities of the Specified Federal Offenses at the PREMISES.

15. In addition to the above, based on my training, experience, and participation in this and many other firearms and armed robbery investigations, as well as my conversations with other agents and officers involved in this and other such investigations, I know that armed robbers commonly use residences to store firearms, robbery proceeds, including currency and possessions (e.g., here, Rolex Watch and a cellular telephone), as well as clothes and other items worn or carried during the time of or in connection with robberies, and other items of the sort described in Attachment B to this Affidavit.

CONCLUSION

16. I therefore submit that this Affidavit supports probable cause for a warrant to search the PREMISES described in Attachment A and seize the items described in Attachment B.



JENNIFER CARDILLO
Special Agent, Bureau of Alcohol, Tobacco and
Firearms

Sworn to before me by telephone this
7th day of November, 2020



THE HONORABLE PEGGY KUO
UNITED STATES MAGISTRATE JUDGE
EASTERN DISTRICT OF NEW YORK

ATTACHMENT A

Property to be searched

The property to be searched is a specific room within the Hotel Indigo located in Downtown Brooklyn. The PREMISES is identifiable as the name “Hotel Indigo” is located on the outside of the building and the number “308” is printed next to the door. The property to be searched includes any locked or closed closets, crawl spaces, safes, file cabinets, and stationary or moveable containers therein.

ATTACHMENT B

Property to be seized

1. Any items, contraband, fruits and instrumentalities related to distributing, dispensing, or possessing with the intent to distribute controlled substances, in violation of Title 18, United States Code, Section 1951(a) (Hobbs Act robbery) and Title 18, United States Code, Section 924(c) (brandishing a firearm in furtherance of a crime of violence, to wit robbery) (the “Specified Federal Offenses”), those violations involving MELCHIOR BAPTISTE and relating to the occupancy and/or ownership of the PREMISES including the following:

- a. Firearms, United States Currency, and Rolex Watch;
- b. books, records, receipts, notes, ledgers, letters, and other papers relating to the commission of robberies and the purchase and/or ownership of firearms;
- c. clothes and/or other items taken, worn or carried during the commission of the Specified Federal Offenses;
- d. cellular telephones taken, used and/or carried during the commission of the Specified Federal Offenses;
- e. identification evidence and/or indicia, such as cell phones with particular numbers, mail, deeds, leases, rental agreements, photographs, bills, and identification documents, that tend to identify the person in residence, occupancy, control, or ownership of the PREMISES.